

Attorney's Docket No. 34976/238448

#6 360 Receipt

FILE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Aylward, et al.
Appl. No.: 10/034,436
Filed: December 27, 2001
For: APPARATUS FOR HANDLING AND
PACKAGING FRIABLE TABLETS

Confirmation No.: 2496
Group Art Unit: 1615

January 6, 2003

Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

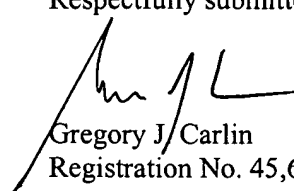
In reviewing the Response to Request For Corrected Filing Receipt dated November 12, 2002, Applicant notes that the response incorrectly states as follows:

Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification. Serial no(s) 09/658,996 09/11/00 and PCT/US99/05103 03/09/99

Please note that Applicant submitted a Preliminary Amendment dated December 27, 2001 along with the above-referenced application. This Preliminary Amendment, a copy of which is enclosed, was acknowledged as received by the U.S. Patent and Trademark Office and a copy of the postcard bearing the PTO stamp with pertinent information highlighted is also enclosed.

Applicant therefore requests that the information inserted (and highlighted in yellow) on the enclosed copy of the Filing Receipt dated September 16, 2002, be added and that a corrected Filing Receipt be issued.

Respectfully submitted,


Gregory J. Carlin
Registration No. 45,607

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
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CLT01/4570927v1

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents, Office of Initial Patent Examination, Customer Service Center,
Washington, DC 20231, on January 6, 2003.

Glenda R. Ransom



Alston & Bird

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

JAN 13 2003

Received By

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/658,996	12/27/2001	John Thomas Aylward	34976/238448

CONFIRMATION NO. 2496

00826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

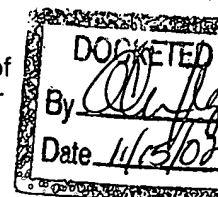
OC000000009090739

Date Mailed: 11/12/2002

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**Domestic Continuity and Foreign Priority**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☒ **Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification. Serial no(s) 09/658,996 09/11/00 and PCT/US99/05103 03/09/99**
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application.
- ☐ A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order:
Country, Application number, Filing date.
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- ☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or



foreign priority.

☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.

☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.



Customer Service Center
Office of Initial Patent Examination
(703) 308-1202



Attorney's Office No. 34976/238448

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Aylward, et al.
Appl. No.: Not Yet Assigned
Filed: Concurrently Herewith
For: APPARATUS FOR HANDLING AND
PACKAGING FRIABLE TABLETS

December 27, 2001

Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT

Dear Sir:

Please amend the above-identified application as follows:

In The Specification:

On page 1, immediately after the title of the application, please insert the following paragraph:

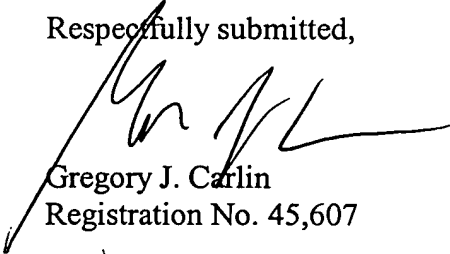
--CROSS-REFERENCE TO RELATED APPLICATIONS--

This application is related to, and is a continuation of, U.S. Application No. 09/876,822 filed June 7, 2001, which is hereby incorporated herein by reference. U.S. Application No. 09/876,822 claims the priority of U.S. Application No. 09/658,966, filed September 11, 2000; U.S. Provisional Application No. 60/077,363, filed March 9, 1998; and Application No. PCT/US99/05103, filed March 9, 1999.

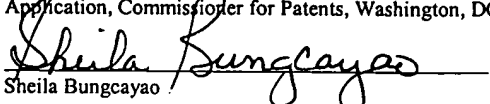
REMARKS

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


Gregory J. Carlin
Registration No. 45,607

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<p>"Express Mail" Mailing Label Number EL910630969US Date of Deposit: December 27, 2001.</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner for Patents, Washington, DC 20231.</p> <p> Sheila Bungcayao</p>	<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on _____, 2001.</p> <p>_____</p>
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Commissioner For Patents
Washington, DC 20231

Date Mailed: 12/27/01

Atty. Dkt. No. 34976/238448

Kindly acknowledge receipt of the accompanying CONTINUATION PATENT
APPLICATION with Application Transmittal Cover Sheet for:

Inventor(s): Aylward, et al.

Title of Invention: APPARATUS FOR HANDLING AND PACKAGING
FRIABLE TABLETS

Pages of Spec. (including claims and abstract) 19; No. of Claims 7

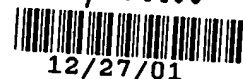
No. of Drawing Sheets 11; Preliminary Amendment

Please place office stamp hereon and Return Postcard to:

Sheila Bungcayao/GJC/4976-28C

ALSTON & BIRD LLP

j1036 U.S. PTO
10/034436



Alston & Bird

JAN 14 2002

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SEP 19 2002

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/034,438	09/27/2001	1615	435	34976/238448	11	7	1

00826

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CHARLOTTE, NC 28280-4000

CONFIRMATION NO. 2496

UPDATED FILING RECEIPT



OC00000008790381

Date Mailed: 09/16/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)John Thomas Aylward, New Bern, NC;
C. Frederick DeMey, Chesterfield, VA;**Assignment For Published Patent Application**

Aylward Enterprises, Inc., New Bern, NC;

Domestic Priority data as claimed by applicantTHIS APPLICATION IS A CON OF 09/876,822 06/07/2001 ABN
WHICH CLAIMS BENEFIT OF 60/077,363 03/09/1998
09/658,996 09/11/00 and PCT/US99/05103 3/09/1999**Foreign Applications**

If Required, Foreign Filing License Granted 02/04/2002

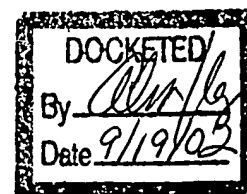
Projected Publication Date: 12/26/2002

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title



Apparatus for handling and packaging friable tablets

Preliminary Class

424



LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).